

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alfredo Gonzalez	Team: Squad #3	CCRB Case #: 201604356	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/18/2016 11:45 PM	Location of Incident: [REDACTED]	Precinct: 79	18 Mo. SOL 11/18/2017	EO SOL 11/18/2017	
Date/Time CV Reported Thu, 05/19/2016 2:45 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/19/2016 2:45 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Conway Hughes	19227	950603	079 PCT
2. POM Jared Delaney	01320	952653	079 PCT
3. POM Brian Alexander	00570	948599	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Alexander	Abuse: Police Officer Brian Alexander stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.POM Jared Delaney	Abuse: Police Officer Jared Delaney stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
C.POM Conway Hughes	Abuse: Police Officer Conway Hughes stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
D.POM Brian Alexander	Abuse: Police Officer Brian Alexander searched § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Brian Alexander	Abuse: Police Officer Brian Alexander strip-searched § 87(2)(b) [REDACTED]	[REDACTED]
F.POM Brian Alexander	Abuse: Police Officer Brian Alexander searched the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

### Case Summary

§ 87(2)(b) filed this complaint with the CCRB, via telephone, on May 19, 2016.

On May 18, 2016, at approximately 11:45 p.m., in the vicinity of Lafayette Avenue and Tompkins Avenue in Brooklyn, § 87(2)(b) vehicle was stopped by PO Brian Alexander, PO Jared Delaney, and PO Conway Hughes of the 79<sup>th</sup> Precinct (**Allegations A, B, and C**). The officers then exited their unmarked sedan and PO Alexander approached the vehicle and asked § 87(2)(b) to exit the vehicle, to which § 87(2)(b) complied. PO Alexander then allegedly frisked and searched § 87(2)(b). Afterward, PO Alexander allegedly placed his hand inside § 87(2)(b) pants, underneath his underwear, and searched the area around his crotch (**Allegations D and E**). The officer then asked § 87(2)(b) to go towards the back of the vehicle, and then proceeded to allegedly search the vehicle while § 87(2)(b) spoke with PO Delaney and PO Hughes (**Allegation F**). Afterward, § 87(2)(b) was commanded to get back into his vehicle and to “slow down.” § 87(2)(b) was not arrested and did not receive a summons as a result of this incident.

This case went past the 90-day benchmark due to issues with receiving NYPD documentation, which inhibited the officer identification process.

There was no video footage available for this incident.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to participate in mediation.
- As of August 31, 2016, § 87(2)(b) has not filed a Notice of Claim against the City of New York (BR 01).
- § 87(2)(b) does not have any criminal history (BR 02).

### Civilian and Officer CCRB Histories

- This is § 87(2)(b) first CCRB complaint (BR 03).
- PO Alexander has been a member of the NYPD for six years. He has been the subject of 20 allegations stemming from eight cases. In CCRB 201502721, allegations of a vehicle stop, a vehicle search, a refusal to provide name and/or shield, a frisk, a search of a person, and a question were substantiated against PO Alexander. The CCRB recommended command discipline. § 87(4-b), § 87(2)(g)  
§ 87(2)(g) Though CCRB 201502721 shares some similarities with this case in that it involved a vehicle stop with no summons issued and in that PO Alexander had no recollection of the incident, § 87(2)(g)  
§ 87(2)(g)
- PO Delaney has been a member of the NYPD for four years. This is his first CCRB complaint.
- PO Hughes has been a member of the NYPD for five years. He has been the subject of three allegations stemming from one case, with no substantiated allegations. § 87(4-b), § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

### Potential Issues

- A photo viewing was conducted with § 87(2)(b) but he was unable to positively identify the subject officers.

### Findings and Recommendations

#### Explanation of Subject Officer Identification

§ 87(2)(b) described the officer that searched him as a white male that was approximately 5'11" tall, with a muscular build, in his late 20s to early 30s, with blond hair and brown eyes, and in plainclothes. The second officer was described as a white male that was approximately 5'5" tall, with a muscular build, in his mid-20s, with blond hair and brown eyes, and in plainclothes. The third officer was described as a black male that was approximately 5' 9" tall, with a chubby build, in his late 30s, with a Trinidadian accent, and in plainclothes (BR 04, 05).

NYPD documents were obtained from the following commands: 79<sup>th</sup> Precinct, PSA3, Patrol Borough Brooklyn North Specialized Unit (PBBN SU), Brooklyn North Gangs (GANG BN), and Brooklyn North Narcotics (NARCBBN).

#### IAB In-house Documents

- There was no record of a Stop, Question, and Frisk Report prepared for § 87(2)(b) in the 79<sup>th</sup> Precinct (BR 06).
- A Z-finest search did not yield any warrant checks for § 87(2)(b) (BR 07).

#### New York State Troopers

- There was no record from the New York State Troopers that a warrant check for § 87(2)(b) was conducted on the date of the incident (BR 08).

#### PBBN SU

- According to the roll call, there were no black males working on the date and time of the incident, § 87(2)(g) (BR 09).

#### GANG BN

- According to the Tactical Plan, Sign-in/out Sheet, and Movement Log, there was only one male black officer, PO Shaneil Mitchell, working on the date of the incident. According to the Movement Log, PO Mitchell was working with Sgt. Steven Zanca and Det. Gloria Pagan, a Hispanic female. Additionally, the sign-in/out sheet noted that PO Mitchell signed out at 11:33 p.m., § 87(2)(g) (BR 10).

#### NARCBBN

- According to the Tactical Plan, Sign-in/out Sheet, and Movement Log, there were no black officers working at the date and time of the incident, § 87(2)(g) (BR 11)

### PSA3

- According to the tour 3 Roll Call, the following officers had possible plainclothes assignments and worked during the date and time of the incident: PO Robert O'brien, PO Christian Allen, and PO Alfonzo Larue (BR 12).
- PO O'brien is § 87(2)(b) (BR 13). PO Christian Allen is § 87(2)(b) (BR 14). PO Alfonzo Larue is § 87(2)(b) (BR 15). According to PO Allen's memo book, all three officers were partnered together; however, none of the officers' have any entries in their memo books related to this incident (BR 16).
- § 87(2)(g)

### 79<sup>th</sup> PCT

- According to the tour 3 Roll Call, the following officers were assigned to possible plainclothes assignments: Sgt. Ian Scheinblum, PO Arnold Chow, PO Sean Inman, PO Lukasz Organistka, PO Brian Alexander, PO Conway Hughes, PO Alexander Seda, PO Jared Delaney, PO Fatmir Sukalic, and PO Julio Ramos. Of the above-mentioned officers, PO Hughes and PO Inman are the only black male officers (BR 18).
- According to the tour 3 Roll Call, PO Inman was partnered with PO Chow, an Asian male. Furthermore, his memo book noted that he ended his tour at 10:35 p.m., § 87(2)(g) (BR 19).
- According to the Roll Call, PO Hughes was assigned to Anticrime, and his memo book indicated that he was partnered with PO Alexander and PO Delaney (BR 20). PO Hughes is a § 87(2)(b) (BR 21). PO Alexander is § 87(2)(b) (BR 22). PO Delaney is § 87(2)(b) (BR 23). None of the officers had any memo book entries related to this incident or any memo book entries related to any police actions on the date of the incident (BR 24 - 26). All three officers were also interviewed at the CCRB; however, they did not have any independent recollection of the incident and they did not recall whether they stopped § 87(2)(b) vehicle or whether they interacted with him. It should be noted that PO Hughes spoke with an accent during his interview. Although the officers did not have any recollection of interacting with § 87(2)(b) based on the officers' matching of the descriptions provided by § 87(2)(b) the investigation determined by a preponderance of the evidence that PO Hughes, PO Alexander, and PO Delaney are the subject officers for this incident.
- As the taller of the two white males, PO Alexander's pedigree information most closely corresponds to the physical description of the first officer provided by § 87(2)(b). Therefore, allegations D, E, and F have been pleaded against PO Alexander.

**Allegation A – Abuse of Authority: Police Officer Brian Alexander stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation B – Abuse of Authority: Police Officer Jared Delaney stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation C – Abuse of Authority: Police Officer Conway Hughes stopped the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) alleged that he was driving, over the speed limit, when his vehicle was stopped by an unmarked vehicle in the vicinity of Lafayette Avenue and Tompkins Avenue in Brooklyn. After stopping, the officers exited their unmarked vehicle and PO Alexander approached § 87(2)(b) vehicle. § 87(2)(b) asked PO Alexander whether he had been speeding, but PO Alexander did not answer and only asked § 87(2)(b) for his license and registration (BR 05).

PO Alexander, PO Delaney, and PO Hughes did not have any independent recollection of the incident and did not recall performing any vehicle stops on the date of the incident (BR 27 - 29).

As discussed above, there was no NYPD documentation confirming that § 87(2)(b) vehicle was stopped on the date of the incident, and the officers did not have any memo book entries about any vehicle stops on the date of the incident (BR 24 - 26).

Officers may stop a vehicle when they have probable cause that the motorist has committed a traffic violation. 97 N.Y.2D 341 (2001) (BR 30). Whenever maximum speed limits have been established as authorized, no person shall drive in excess of such maximum speed limits at any time. NYS Vehicle and Traffic Law, Section 1180d (BR 31).

§ 87(2)(g)

**Allegation D – Abuse of Authority: Police Officer Brian Alexander searched § 87(2)(b)**

**Allegation E – Abuse of Authority: Police Officer Brian Alexander strip-searched § 87(2)(b)**

**Allegation F – Abuse of Authority: Police Officer Brian Alexander searched § 87(2)(b) vehicle.**

After being ordered to exit the vehicle, § 87(2)(b) stood in the space between the open driver's door and his vehicle when PO Alexander allegedly frisked him and entered his pants' pockets. Afterward, PO Alexander allegedly placed his hand inside § 87(2)(b) pants, underneath his underwear, and searched the area around his crotch. PO Alexander then commanded § 87(2)(b) to go towards to back of his vehicle, near the trunk, where the other officers were standing. While § 87(2)(b) interacted with PO Delaney and PO Hughes, PO Alexander allegedly searched § 87(2)(b) vehicle. § 87(2)(b) did not directly witness PO Alexander search his vehicle, but he later observed that items in the trunk, which can be accessed from inside the vehicle, had been moved (BR 05).

PO Alexander, PO Delaney, and PO Hughes did not have any independent recollection of the incident and did not have any police documentation to confirm or deny that they interacted with § 87(2)(b) on the date of the incident. All three officers were informed of the details of the incident and shown a photograph of § 87(2)(b) but it did not refresh their recollection of the incident. All three officers could not recall whether they performed any vehicle stops on the date of the incident (BR 27 - 29).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Investigator:	Signature	Print	Date
Squad Leader:	Title/Signature	Print	Date
Reviewer:	Title/Signature	Print	Date